

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 6189 of 2007(J)

PETITIONER:

V.RAGINI, D/O.AYYAPPAN, AGED 42 YEARS,
AGRICULTURAL OFFICER, VYLASSERIL HOUSE,
FAROOQ COLLEGE P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF
AGRICULTURE, GOVERNMENT SECRETARIAT, TRIVANDRUM.
2. THE DIRECTOR OF AGRICULTURE,
TRIVANDRUM.
3. THE PRINCIPAL AGRICULTURAL OFFICER,
PALAKKAD DIST.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 6189 OF 2007 J
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Dated this the 27th February, 2007

J U D G M E N T

The petitioner has approached this Court seeking the following reliefs:

"i) Call for the records leading to Ext. P3 and P5 and quash the same by issuing a writ in the nature of certiorari.

ii) Issue such other writ, order or direction which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case and in the interest of justice."

2. She had filed W.P.(C) No. 6643 of 2005 for identical reliefs. Before that writ petition could be considered and disposed of on merits, the petitioner filed a 'not pressed memo'. Hence, W.P.(C) No. 6643 of 2005 was dismissed on 5-7-2006 as not pressed. The petitioner did not seek orders to reserve her right to approach this Court, for a second time. The judgment dismissing W.P.(C) No. 6643 of 2005 also did not reserve any right to the petitioner to file one more writ petition seeking identical reliefs and on identical grounds. Now after the lapse of seven months from the date of disposal of the first writ petition,

the petitioner has come up with this writ petition praying for the grant of the same reliefs.

2. Ext. P5, under challenge both in the earlier writ petition and in this writ petition, is the very same order of the Government affirming Ext. P3 decision taken by the Director of Agriculture. The petitioner's appeal filed before the Government was found to be stale one, and despite that, the Government considered the matter on merits and concluded that the facts and the materials made it clear that there was insubordination and dereliction of duty on the part of the petitioner. However, no penalty was imposed and the petitioner was let off with a warning. It was that order which was challenged in the earlier writ petition. Now, the very same relief and challenge is sought to be revived as though the petitioner is free to file writ petitions repeatedly, according to her whims and fancies. In the affidavit filed in support of the averments in the writ petition she has stated that she has not filed writ petitions earlier on the same cause of action. This is an ingenious statement intended to get the W.P.(C) numbered by the Registry.

3. This Court shall not be taken for a ride by parties who think that they can invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India according to their whims and fancies. Such kind of abuse of the process of law will result in waste of time, energy and money. Courts which bear the brunt of docket explosion shall not be the playfield of such experimental adventurism of unscrupulous litigants. The above writ petition is barred by res-judicata. It is an abuse of the process of this Court. Hence, the petitioner shall be directed to pay exemplary costs. The writ petition is dismissed with costs fixed at Rs.10,000/- to be paid by the petitioner to the Kerala Legal Services Authority. This shall be done within two months. Copies of this judgment shall be forwarded by the Registry to the 1st respondent as also the Secretary, K.E.L.S.A., for information.

K.K. DENESAN
JUDGE

jan/